



## PROCUREMENT PROCESS IN COMPLIANCE WITH TEXAS PURCHASING AND CONTRACTING LAWS FREQUENTLY ASKED QUESTIONS

Purchasing Cooperative of America (PCA) contracts are awarded and held by an agency of the state of Texas. The following information was prepared to demonstrate compliance with *Texas Education Code, Section 44.031. PROCUREMENT PROCESS* and the comprehensive process PCA follows to create, advertise, evaluate and award each legally bid, competitively awarded contract; *Texas Local Government Code, Chapter 271. PURCHASING AND CONTRACTING AUTHORITY*; and *Texas Government Code, Title 7. Intergovernmental Relations, Chapter 791. Interlocal Cooperation Contracts*.

1. *Advertising solicitations.*

Advertising documentation is maintained for all solicitations:

- advertised nationally in *The Washington Post*
- advertised locally in Texas' largest city, *Houston Chronicle*
- advertised in other states' or local newspapers as required and appropriate
- posted at the PCA website at [www.pcamerica.org](http://www.pcamerica.org)
- posted to the Texas Comptroller's Electronic State Business Daily [ESBD] website
- posted by numerous online bid announcement providers
- announced directly to prospective responders via phone calls and email invitations sent to encourage response to the solicitation

2. *List of prospective bidders.*

PCA maintains a list of prospective responders. PCA uses a third-party electronic bid system, Bonfire.

3. *Issue solicitations at least 14 days before due date and time set for responses, unless a shorter time was determined necessary?*

Newspaper classified advertisements and online notices are customarily posted on Friday and Sunday of the following week. Opening Days are typically scheduled on a Tuesday at least 2 weeks after the second posting.

4. *Solicitations include all required information.*

PCA solicitations clearly state response instructions, opening day, date and time, contact information, scope and specifications, required signatures, procurement and contracting statutes, PCA membership, terms and conditions, and the specific evaluation factors that will be followed by the evaluation committee.

5. *Record the time and date responses are received and store the responses unopened until the time and date set for opening?*

PCA uses a third-party electronic bid system, Bonfire. Vendor receives email regarding submission with a confirmation code.

Responses are electronically closed as of the due date and time listed in the submission. The receiving report is compiled by Bonfire automatically and a notice is sent to evaluation committee members to begin their review.

6. *Establish and follow procedures for the use of multiple award contracts.*

Per PCA solicitations: "PCA reserves the right to award contracts to multiple vendors if vendors offer items/services that are unique and have value to members. The decision to award multiple contracts, award only one contract, or to make no awards rests solely with PCA."

PCA awards contracts on a national basis as well as a local basis to meet the needs of Members. In many cases this may require multiple contract awards to meet their diverse needs.

7. *Solicitations include the cooperative's criteria (evaluation factors) for recommending contract award(s).*

The evaluation factors that the evaluation committee will use in its review of the responses are clearly stated in the solicitation, along with the following: "Awards will be made to the successful respondent(s) for the total line of services submitted. Awards will be based on the criteria set forth within this document."

8. *Evaluation Factors listed in the solicitation include points for 'Value Add' items.*

PCA IDIQ contracts encourage vendors to submit 'Value Add' products/services that are adjunct to the solicitation and will benefit PCA Members. PCA awards contracts on a national basis as well as a local basis to meet the needs of Members. In many cases this may require multiple contract awards to meet their diverse needs.

9. *Minimum evaluation points score to win a contract award.*

The evaluation committee makes recommendations for contract awards to vendors that earn an average of 80 points (out of 100). Multiple contractors are often awarded because PCA contracts are national and contract awards are not limited to companies who work in all 50 States and the U. S. Territories, Canada and Mexico. Local companies are encouraged to participate in the solicitation process.

10. *For contracts where only one responsive proposal was received, how does the evaluation committee determine that the price submitted was fair and reasonable and that other prospective offerors had reasonable opportunity to respond. Is there documentation to supported the basis for the determination?*

PCA advertises solicitations online and in a national newspaper. In addition, numerous vendors are directly notified by phone and/or email. Documentation of the advertisements and contacts is kept as due diligence documentation. When only one responsive proposal is received, the proposal is reviewed by the evaluation committee, which may hold an oral interview. The committee determines whether recommendation for a single award is sufficient.

11. *Does the cooperative award a contract to the lowest responsible and responsive bidder whose bid conformed, in all material respects, to the requirements and evaluation criteria set forth in the solicitation?*

'Low Bid' is not the only criteria for an award of a PCA contract, although pricing is certainly a major consideration. PCA criteria is Best Value. Vendors are encouraged to submit 'Value Add' items with their response. 'Value Add' items are other goods/services provided by the vendor that are adjunct to the solicitation and would be beneficial to PCA Members.

12. *The co-op awards contracts to the offeror(s) whose proposal was determined to be most advantageous to PCA's Members based on the factors set forth in the RFP and retains documentation to support the determination?*

The evaluation factors by which the evaluation committee will review the responses are stated in the solicitation. Vendor responses that are deemed to be most advantageous to PCA Members are awarded contracts. Summary evaluation reports are created by Bonfire as due diligence documentation.

13. *PCA offers job order contracting contracts.*

PCA has a number of Job Order Contracting contracts that are appropriate for renovations, additions and repairs.

14. *Does the cooperative procure goods and services using reverse auctions or electronic bidding?*

No.

15. *The cooperative has signed conflict-of-interest disclosures filed for evaluation committee members.*

A conflict of interest statement must be signed before the system will allow the evaluation committee member to begin reviewing solicitation responses.

16. *The terms and conditions or renewal of multi-term contracts are included in the solicitation.*

Yes. The term of the typical PCA contract is a period of one (1) calendar year with up to four (4) optional one-year renewal terms. PCA contracts typically last a maximum of 5 years with the awarding agency reserving the right to extend the contract for the benefit of PCA Members. *TEX. GOV'T. CODE § 2269.409*. PCA reserves the right to award a contract to a vendor for a longer initial term period than time period stated in the solicitation if it is determined to be in the best interest of PCA Member.

17. *The cooperative has IDIQ contracts.*

Yes. PCA offers indefinite delivery indefinite quantity (IDIQ) contracts.

18. *Where required, the cooperative maintains current cooperative purchasing agreements (Interlocal Contracts) with participating districts.*

Membership does not expire.

Tex. Local Gov't. Code § 791, *Interlocal Cooperation Act*, and similar statutes in other states, allows for various public entities to utilize contracts procured by PCA. Texas school districts are required to execute interlocal contracts to participate as a PCA Member. PCA Members other than Texas school districts (including local, state and federal government agencies, Indian tribal governments, educational institutions and non-taxed, non-profit organizations in all 50 states and the U. S. Territories, Canada and Mexico) are responsible for knowing and following their state statutes or local requirements for intergovernmental contracting.

19. *Has the cooperative procured goods and services using:*

(a) *reverse auctions?* No.

*or does the Cooperative have any:*

(b) *emergency?* No.

(c) *sole source?* No.

(d) *professional contracts?* No.

20. *PCA is legally authorized to provide services to governmental entities.*

Yes. Per Texas Local Government Code, Chapter 271. Purchasing and Contracting Authority; and Texas Government Code, Sec. 791.001. Purpose. The purpose of this chapter is to increase the efficiency and effectiveness of local governments by authorizing them to contract, to the greatest possible extent, with one another and with agencies of the state.

The preceding statements are true to the best of my knowledge. I welcome you to contact me if you have any questions.

*Elaine Nichols*

*December 16, 2019*

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Elaine Nichols, Director, PCA

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Date

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